

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONALD L. BIG POND,

Plaintiff,

vs.

KEN FURLONG, *et al.*

Defendants.

3:11-cv-00308-LRH-RAM

ORDER

This *pro se* prisoner civil rights action comes before the Court for initial review of the amended complaint (#7).

The prior screening order (#5) sets forth the applicable screening standard. The amended complaint sufficiently states a claim for alleged excessive force in violation of the Fourth Amendment. As noted in the prior order, the claim for unspecified injunctive relief – now asserted against two deputy sheriffs in their individual capacity – is moot because plaintiff now is in state rather than local custody. The claim for injunctive relief will be dismissed, and the remaining claims may proceed to service. Given that plaintiff is not proceeding *in forma pauperis*, plaintiff is responsible for securing service on the defendants. He must effect service within one hundred twenty (120) days from entry of this order allowing service to proceed.

IT THEREFORE IS ORDERED that the claim for injunctive relief in the amended complaint (#7) is DISMISSED as moot, with all other claims in the pleading remaining before the Court.

IT FURTHER IS ORDERED that plaintiff shall have one hundred twenty (120) days from entry of this order within which to effect service on the defendants.

1 The Clerk shall send plaintiff a copy of the amended complaint (#7) with the service copy of this
2 order.

3 DATED this 22nd day of December, 2011.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written over a faint circular stamp.

6
7 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE